

Mr. Wagner acknowledged the audit request by Gov. Minner would be given a "high priority" in his office's already-full schedule of planned investigations.

"The request came from Mrs. Davis through the governor," he said. "She said she had discussed it with the governor and the governor thought it was a great idea. Obviously, if it's important to the governor, it's a high priority."

News of the range's closing was first reported by the Delaware State News on March 20 after an interview with state police Capt. Gregory A. Warren, who directs all training activities for the division.

Capt. Warren said the range, completed in August 1998 at a cost of \$3.3 million, started experiencing structural and health-related problems only months after it opened that September.

Sen. Thomas R. Carper, D-Del., was governor at the time.

A May 1999 article in the newspaper said the facility was closed briefly to training activities then because of air quality problems that left two troopers with above-normal lead contents in their blood.

At least two experts have said the ventilation system is inadequate and cannot handle the amount of metallic contaminants dispersed into the air during weapons training activities.

The Department of Administrative Services, which has physical responsibility for the building through its Facilities Management division, ordered a two-part environmental test after the range was closed to determine what corrective action should be taken.

The first test results, released last week, showed high concentrations of lead, copper and zinc on floors and surface areas of the facility.

Secretary of Administrative Services Gloria W. Homer, citing considerably lower levels of airborne contaminants in the first test results, blamed the state police for failing to clean the range properly.

She said the equipment should operate properly once the facility is cleaned and kept cleaned.

Mrs. Homer also said information as requested was delivered to Mr. Larsen Tuesday afternoon.

"You have to remember that the first funding for this facility was in 1996," she said. "We're talking almost eight years ago.

"Our department changed the way we keep financial records since then. Because of that, we've had a difficult time accessing all the information. We also had a fire. That made it more difficult. We even had to go to the budget office to get some information."

Mrs. Homer said she has no problem with Gov. Minner's request.

"She's getting inquiries," she said. "The auditor is a good way to go."

Mr. Wagner said he couldn't recall an audit request coming directly from a governor.

"I'm pretty sure it's happened but I can't remember it," he said. "I'd like to think we'd do a comprehensive job, no matter who made the request."

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He said his staff would meet today to determine scheduling.

"At this point, it's hard to tell how long it would take," he said. "It could be simple or quite complicated."

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Estimated printed pages: 3

April 21, 2004

Section: Kent Sussex

Page: 1, 3B

Answers sought on firing range

PATRICK JACKSON

Staff

NJ=KS

Auditor asked to look into health issues

By PATRICK JACKSON Dover Bureau reporter

Gov. Ruth Ann Minner on Tuesday asked State Auditor Tom Wagner to investigate issues relating to health problems at the state police indoor **firing range** outside Smyrna.

The governor's spokesman, Gregory Patterson, said Minner called in Wagner to answer lingering questions about the building, which has been in use since 1998.

"There are environmental issues that seem to be related more to maintenance than anything else," Patterson said. "But there are questions being asked and the governor thought they deserved an independent examination, so she asked the auditor to look at the issue."

State police stopped training at the facility in January. It was closed last month after elevated lead levels were found in two employees' blood. While the lead levels were within acceptable levels, the building was closed because of a significant increase in the levels. High lead levels in adults can cause symptoms including difficulties during pregnancy, digestive problems, muscle pain and memory loss, according to federal health information.

Gloria W. Homer, the secretary of the Administrative Service Department, has said she believes most of the problems at the **range** can be attributed to poor maintenance by state police.

Wagner said he and his staff plan to meet today to determine how the office will approach the investigation. He said the probe will look at bidding documents for the project and may ask lawmakers for money to help investigate structural problems with the building.

"The governor asked us to perform a through investigation and that's what we're going to do," Wagner said. "The issue here seems to be that we spent money for a piece of infrastructure that doesn't work right and we are going to try to figure out what happened."

Sen. Robert Venables, D-Laurel, said he was surprised by Minner's decision. That's because the Joint Bond Bill Committee, which oversees the state's capital budget, was to look into the issue during hearings on the capital budget. Those hearings start next week.

Venables said the **range** will remain on the committee's agenda.

Venables, a former contractor, said he has built **ranges**, and thinks that poor maintenance and cleaning is at least a factor in the problems.

Rep. Roger Roy, R-Limestone Hills, co-chairs the bond bill committee with Venables. He said last week he and Venables asked the Controller General's office to request that the auditor look at the issue. The Controller General's office is the Legislature's budget office.

"We are delighted that the governor has joined in our request," Roy said. "This isn't about finger-pointing. We and the governor

want to get to the bottom of this."

Roy said the Controller General's office "hit a brick wall" in its quest for information because some records were destroyed in a fire several years ago that damaged a building where the Department of Administrative Services stored records.

"We thought the auditor would be the appropriate office to help us, because they know how to look for some of the places we might not," Roy said. "We have a building that was supposed to have been state-of-the-art and it turned out to be a dog."

Reach Patrick Jackson at 678-4274 or pjackson@delawareonline.com.

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News Journal

Estimated printed pages: 2

May 13, 2004

Section: Focus

Page: 3B

Troopers meet with @ring range investigators

MARY ALLEN

Staff

NJ=KS

Auditor hopes interviews make up for lack of records
By MARY ALLEN Staff reporter

A state auditor's investigation into what went wrong at the state police indoor **firing range** got a boost Wednesday when troopers who worked at the **range** shared what they knew.

State Auditor R. Thomas Wagner Jr. said three of his investigators spent several hours listening to the police officials and accepted three large boxes of documents about the range. Wagner said his staff mostly listened to the troopers. The auditor's office will review the documents and then meet again with the troopers to ask questions, he said. Troopers who took part in the meeting included Capt. Gregory Warren and Sgt. Christopher Foraker. Warren oversees training for state police, which includes the **firing range**. Foraker is a supervisor there.

State police stopped using the **range** near Smyrna in January and closed it in March after the lead levels in two employees' blood - while remaining within acceptable levels - rose significantly. Subsequent tests of the facility showed high levels of lead, copper and zinc in the facility.

Troopers have begun using an outdoor **range** owned by the Delaware National Guard in New Castle, state police spokesman Lt. Joseph Aviola said Wednesday. The Guard has not charged state police for the service.

Wagner's office got involved in the probe after legislators and Gov. Ruth Ann Minner asked him to look at the finances behind the **range's** construction. He said it has become his top priority and he is working toward making an oral report to other state officials as soon as possible. A written report will not be ready until after the Legislature recesses June 30, he said.

"I prefer to do everything in an open meeting," he said.

Minner spokesman Gregory Patterson said Wednesday the governor looked to Wagner's office because she wanted a complete and impartial look at the **range** problems.

"She's eagerly awaiting the report," he said.

Wednesday's talks were important because the information came from troopers who worked "in the trenches" at the **range**, Wagner said. The investigation has been stymied by a lack of construction-related paperwork because of a fire that destroyed a Department of Administrative Services building that housed many of the records.

Audit officials have been unable to find any paperwork linked to the state decision to select JAED Corp. of Smyrna to design the facility, although JAED officials have offered to share all they have, Wagner said.

Reach Mary Allen at 324-2794 or mallen@delawareonline.com.

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Shots traded over range: Troopers differ on blame for health woes at Smyrna site

By Tom Eldred, Delaware State News

WILMINGTON - The four troopers assigned to the state police firing range near Smyrna are blaming their bosses and the Department of Administrative Services for health and other problems at the closed facility.

The troopers made their comments Wednesday in prepared statements to investigators from the state auditor's office, which is probing the range situation at the behest of Gov. Ruth Ann Minner.

The troopers - Sgt. Christopher D. Foraker, Cpl. Wayne Warren, Cpl. B. Kurt Price and Cpl. James Warwick - were accompanied by Capt. Gregory A. Warren, division training director.

Capt. Warren has a job discrimination lawsuit pending against state police Superintendent Col. L. Aaron Chaffinch and Gov. Minner. He also had a statement.

The five met with the auditor's investigators in the Wilmington office of their lawyer, Thomas S. Neuberger, who later read the statements verbatim to the Delaware State News.

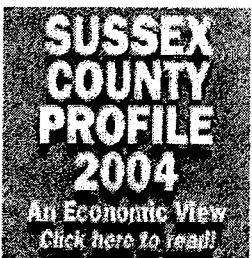
"My clients welcomed the opportunity for this unbiased body, that does not have an ax to grind, to look into the firearms training unit," Mr. Neuberger said.

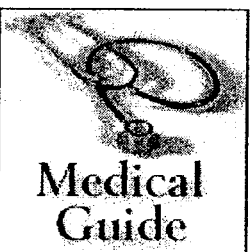
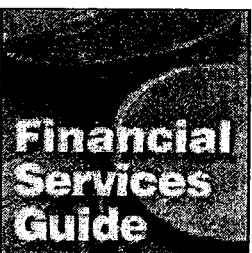
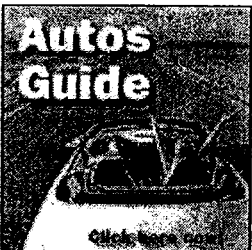
"They feel betrayed. They feel hurt. They're disappointed in their commanders who should be protecting them. Instead they're being blamed. They just want the truth to come out."

State police closed the firing range, which opened in 1998, in March because of environmental concerns.

Tests revealed higher than standard levels of lead, copper and zinc in the facility.

Secretary of Administrative Services Gloria W. Homer, whose department has authority for the range through its Facilities Management division, has faulted troopers for improper cleaning and





maintenance.

Mrs. Homer insists blood tests show no significant health threats to personnel assigned full-time to the facility or to those training there.

Capt. Warren targeted Mrs. Homer and others in his prepared statement, calling the situation a "cover-up."

"What has become just another very sad chapter in a long history of problems with this facility has become one of the most obvious cover-ups ever orchestrated by any state of Delaware department," he said.

"I am both alarmed and disgusted at the rate in which Secretary Homer has worked, along with the rest of her staff, from the secretary of the department to division director and engineer to industrial hygienist, to shift and place the blame on others."

Mrs. Homer fired back that she would not comment on efforts to "create headlines" and "sway the public."

"Unlike Mr. Neuberger and his clients, the administration is interested in facts and solutions, not creating headlines," she said Thursday.

"The governor asked the state auditor to investigate and make an independent and impartial assessment of any problems at the firing range.

"Anyone who is holding press conferences and releasing partial information before the auditor finishes his report is simply trying to sway the public."

Col. Chaffinch previously faulted Sgt. Foraker, who was in charge of the range when it was closed, for failing to keep the facility clean.

Sgt. Foraker won a \$100,000 free speech lawsuit against the colonel last year after the superintendent pulled him as range supervisor in 2002.

According to his statement to the auditors, Sgt. Foraker found the range in a "catastrophic" state when the court ordered him back to the job in December 2003.

He said the ventilation system was not working, there were "serious maintenance issues" with the bullet trap, and that some problems could be laid directly to the interim supervisor, Sgt. Richard Ashley.

"In mid-December 2003 it was discovered that the entire dredging system (in the trap) had been brought to a complete halt due to the drag or dredge system being damaged," Sgt. Foraker said.

"The drive chain was broken as a result of Sgt. Ashley 'tinkering' with



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the system, rendering it inoperable."

In January, Sgt. Foraker said, test results showed lead, copper and zinc contamination was everywhere throughout the facility.

"We learned that regardless of the precautions of personal hygiene and building maintenance, that we were being poisoned at a rate that far exceeded the standards set forth by the U.S. Navy," he said.

Sgt. Foraker said he was contacted by the media after problems at the range surfaced in newspapers.

"Following protocol, I asked for permission to speak with these reporters," he said. "(Deputy Superintendent) Lt. Col. Thomas F. MacLeish fervently ordered me not to speak with them."

Lt. Joseph Aviola, a state police spokesman, released a brief statement from Lt. Col. MacLeish.

"There's an ongoing investigation by the state auditor's office that was ordered by the governor," the statement said. "Until that investigation is completed, we will not have any statements or comments."

Lt. Aviola said Col. Chaffinch "concurs with Lt. Col. MacLeish's response."

Col. Chaffinch brought Sgt. Ashley in as range supervisor in April 2002. He retired in March. He said he did everything possible to keep the facility operating and clean during his 20-month tenure.

He laid much of the difficulty to a decision made in 2001 to switch from lead to non-lead "frangible" training ammunition.

"There was never any testing to determine if frangible ammunition was compatible with the bullet trap system," Mr. Ashley said Thursday.

"When I got there, the frangible material had already locked up the belt on the trap. It's real abrasive. It was locking up the moving parts."

He said he used his own ingenuity to maintain the trap and other equipment.

"The belt wasn't working, the floor scrubber wasn't working and the target system hadn't worked hardly from the start," he said. "The air handling system never worked 100 percent."

"One of the experts we called in said the equipment is very good but because of the way it was put together, it only works at 70 to 75 percent capacity."

Mr. Ashley insisted he went over all details with Sgt. Foraker and Capt. Warren when he handed over the range in December 2003.

"When Chris Foraker came back we had a meeting," he said. "Chris walked in with a three-page checklist. We inspected everything, everything was checked off. Chris accepted the range.

"I showed Chris the bullet trap. It was running smooth as silk when I left that day."

Despite the controversy, Mr. Ashley said he doesn't blame Sgt. Foraker for the range's problems.

"I would come in every day an hour to an hour-and-a-half early," he said. "I'd go around and do what needed to be done. If you don't clean the filters (on the trap) almost every day, it gets clogged up.

"Chris didn't feel comfortable doing the work because it was hazardous material. I didn't mind working with it. After I left they quit changing the filters but they kept shooting. The air handler couldn't take out all the contaminants. That's what covered dust over the whole building."

Mr. Ashley said he was shocked when he saw photographs of the closed range in the Delaware State News.

"It was never dirty like that when I was there," he said. "The place was clean. It was spotless."

He said there were no health-related complaints while he was in charge.

Cpl. Warren said in his prepared statement that he was transferred to the range in August 2001.

"I was not given a written standard operating procedure for the range assignment," he said. "Nor was I informed about the potential health hazards."

He said the HVAC system never worked properly and that problems were even worse by the fall of 2003.

"We could not keep up with the necessary maintenance," Cpl. Warren said. "The ventilation system was really failing. There were times when it would simply shut down.

"Calls to Facilities Management would bring maintenance men who did not have answers for the failing system. I was told, 'The system is working as well as it can.' "

Cpl. Warren said he has increased levels of metal contaminants in his blood. He said he also suffers hearing loss.

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"I want to say that I am very disappointed in the lack of concern for the health and safety of everyone who trains in this facility by the state police and Facilities Management," he said.

"When the first sign of trouble surfaced, the building should have been closed. The state police and Facilities Management failed to act. Because of this neglect I have suffered permanent hearing loss. I have high levels of lead, copper and zinc in my body. I have probably contaminated my home, exposing my family to these toxic metals."

Master Cpl. Price said he is an 18-year state police veteran and a training instructor since 1996, when the division was still using an outdoor range in Dover.

He said construction problems plagued the new range from the start and those deficiencies have left him with permanent impairments.

"On March 1, 2004, I learned (from a medical examination) that I have lost 60 percent of my hearing in my left ear and 35 percent in my right," Cpl. Price told the auditors.

"I received a second opinion (advising me) that I'm on the brink of needing a hearing aid. The most disturbing prognosis is that I will eventually be deaf, and there is nothing I can do."

After the range closed, Cpl. Price said he initially went to an outdoor firing range in New Castle County that troopers are using on a temporary basis. He said Lt. Col. MacLeish soon advised him that he was not to be on the premises during weapons firing of any type.

He said the order prohibits him from re-certifications he needs to remain a trooper.

"My future is uncertain now both as a state trooper and my retirement," Cpl. Price said.

"I looked forward to instructing law enforcement and military students after my retirement. That cannot happen now. What is to become of me and my family? I need answers, help and support. I have not received any yet."

Cpl. Warwick told the auditors he started working at the range Nov. 20, 2003, and soon realized the "extremely loud conditions" could lead to hearing problems.

He also said the lead content in his blood doubled between Dec. 3 and Feb. 6.

"Every day when shooting commenced, I experienced a metal, copper taste in my mouth," he said. "I also began blowing a discolored mucus

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type substance out of by nose, coupled with blood on a daily basis."

Cpl. Warwick said he developed a ringing in his ears. He said he went to see a doctor a week ago.

"I learned that I now have tinnitus (ringing in the ears)," he said. "This is a condition that will be with me for the remainder of my life."

Post your comments on this issue at newsblog.info/0407. Senior writer Tom Eldred can be reached at 741-8212 or at teldred@newszap.com.

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Laware State News

The Downstate Daily

Monday, June 28, 2004

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Lawyer: Troopers targeted Says injured officers shunned because of testimony

By Tom Eldred
Delaware State News

DOVER — A lawyer for two Delaware State Police troopers who say they have permanent hearing loss from lengthy assignments at the closed state police firing range near Smyrna says he's concerned that his clients are being shuttled toward dismissal

from their jobs. The wife of one of the troopers, meanwhile, said that top administrators are shunning her husband, perhaps because of prepared testimony he gave to investigators from the state auditor's office regarding conditions at the firing range.

"They kind of treat him like he has the plague," Lynn Price said of

her husband, Master Cpl. B. Kurt Price, a 19-year veteran of the state police.

"I get the feeling they're trying to force him out and give him the least amount of compensation possible."

Attorney Thomas S. Neuberger represents Cpl. Price and Cpl. Wayne Warren. He said both officers have lost portions of their

hearing and have been assigned light duty jobs by the division.

"They've been put on temporary light duty, they're prohibited from working extra duty and they've been told to have no contact with the public," Mr. Neuberger said.

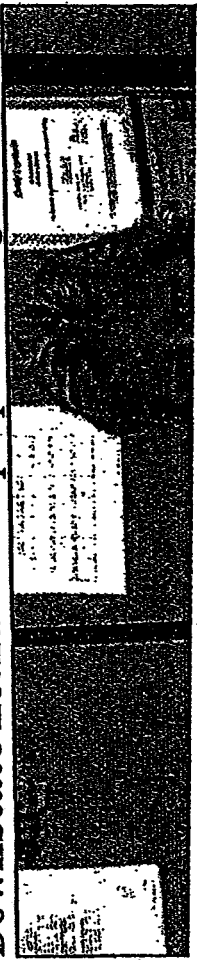
"I'm looking into whether there

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What do you think?

Do you have an opinion on this issue? Post your comment at newsblog.info/0407 or call Sound Off at 678-8255 in Kent or 629-2050 in Sussex.

Downstate health: More people beating cancer



Council eyes annexation

Troopers

Continued From Page 1

are retaliation issues. I'm trying to get out if they're being singled out because they were interviewed by auditors. I think they're going to be thrown on the scrap heap of injured state employees."

Lt. Col. Thomas F. MacLeish, deputy superintendent of the state police, said the troopers are not being singled out. He emphatically denied any retaliation taken against them.

Thomas S. Neuberger

"Absolutely not," he said. "There is no retaliation whatsoever."

"All troopers must be fit for duty, physically and mentally. They must be ready to go out and do the job. If there is injury, either on or off the job, they can be placed in a limited duty capacity."

Both spoke out

Corporals Price and Warren were among the four troopers assigned to the firearms training unit when the state police closed the facility in March due to environmental concerns.

They gave detailed prepared statements to investigators from state Auditor R. Thomas Wagner's office on May 12 as part of probe of the firing range, which has been beset by structural and air contamination problems since it opened in 1998.

Both were critical of the building's design and the lack of standard operating procedures for state police personnel.

Cpl. Price, who lives near Smyrna, said he was assigned as a full-time firearms instructor in 1996, and assisted in constructing the new range. He told the auditors that because of improper soundproofing in the facility, he learned earlier this year that he has lost 60 percent of the hearing in his left ear and 35 percent in his right ear.

He also told the investigators that he was concerned about high lead levels in his blood and the possibility that he had contaminated his family.

"We have no safe haven," Cpl. Price said in his statement. "No amount of hygiene we perform protects our families. I have a 13-year-old son and an 11-year-old daughter. Jim, my son, was 7 and my daughter, was 5 when I began working in the range."

"Lead has a devastating effect on young children, and it may be fatal. I have no idea what may be

Timeline of events

Late 1980s — The state police want to create a new training facility, including a dormitory, academic building and cafeteria, vehicle maintenance shop, gymnasium complex, water training tank and indoor firing range.

Early 1990s — The project is pared down for budgetary reasons to a new firing range.

Mid-1990s — JAED Corp. of Smyrna is awarded the architectural/engineering contract for the new range. JAED has never designed a shooting range before and hires Virginia-based Clark Nexsen as a consultant.

August 1998 — Construction is completed.

November 1998 — Range staff identify problems with the air handling system. An environmental assessment determines airborne lead levels are above the OSHA standard in the firing area.

April 1999 — Another environmental assessment observes heavy accumulation of debris containing lead in the range's bullet recovery area. The facility is closed briefly for maintenance of the air handling system after tests show two troopers that work there have above-normal lead content in their blood. A \$35,000 study commissioned by the state Division of Facilities Management recommends improvements estimated at between \$900,000 and \$1.3 million.

June 2000 — An instructor at the range who has reached a "critical level" of lead contamination is reassigned to another job at the facility.

January 2001 — The state police switch to using "non-toxic, frangible" ammunition at the range.

September 2003 — \$30,000 is spent to modify the bullet trap system because of sludge build-up caused by the frangible bullets. Specifications from a manufacturer indicate the frangible ammunition contains high amounts of copper, along with zinc and tin.

January 2004 — Some members of a recruit class at the range complain of nose bleeds, sore throats and irritated eyes after using the range. Some range officers complain of a "penny taste" in their mouths after working a shift there.

March 2004 — The state police order the range closed until further notice because of environmental problems. Possible solutions being evaluated include an analysis from one expert indicating a new air handling system must be installed at a cost of at least \$2.2 million.

May 2004 — At the request of Gov. Minner, state auditors begin an investigation into the range situation, including a review of how the original architectural contract was awarded. The probe is ongoing.

Source: Delaware State Police

state police in 1983, told the investigators the firing range should have been closed long before March.

"Because of this neglect I have suffered permanent hearing loss," he said in his prepared statement.

"I have high levels of lead, copper and zinc in my body. I have probably contaminated my home, exposing my family to these toxic metals."

Other work available?

Mr. Neuberger said state police administrators have made no attempt to find other permanent positions within the department, where hearing loss would not be a factor, for the two corporals.

"There are plenty of indoor-type Delaware State Police jobs," he said. "Not everybody is out there in a patrol car. My guys are on the edge."

Mrs. Price said she's frustrated. "My husband was told he can't pull any cars over or work any (extra) pay jobs, like the Delaware State Fair," she said.

"The thing that really surprised

low troopers, but not a word from higher-ups except paperwork.

"It's kind of heart breaking when people shut you out and don't talk to you. I always thought the state police took care of their own."

With two children approaching college age in a few years, Mrs. Price said money is a growing concern.

"The state police personnel office told him he could probably only expect 30 to 40 percent disability retirement," she said. "He only has one year to go to reach 50 percent but they didn't say that was an option."

Lt. Col. MacLeish said the agency has a standard procedure when fitness exams reveal an impairment that could negatively impact public safety or a trooper's individual safety.

"These officers go on light-duty status, whether it's an on-duty or off-duty injury," he said.

"Our policy allows for up to a year of light duty status, with a second year if approved by the colonel."

He said second years are per-

asked. "Does it look like the individual can return eventually to full duty? These are our employees. We have a lot invested in them. We aren't going to make any decision hastily."

Lt. Col. MacLeish said troopers on light duty status receive full pay, benefits and weekends off for the duration of their assignments.

Union pledges support

Mrs. Price said her husband contacted Mr. Neuberger as a last resort.

"He felt like he wasn't able to sit down and work things out with the division," she said. "I didn't like the thought of an attorney but we really couldn't think of where else to go."

Sgt. Vincent P. Fiscella Jr. is president of the Delaware State Troopers Association, representing virtually all of the 600-plus troopers on the force.

"We are going to support these troopers who were acting in their official capacity as instructors at the firing range," Sgt. Fiscella said.

"The union's position is that they are entitled to a full disability pension. I plan to meet with (Safety and Homeland Security) Secretary David Mitchell soon to discuss the position these two troopers are in. I will solicit his support and that of the state pension office to obtain the benefits these two troopers deserve."

Sgt. Fiscella said he would discuss Cpl. Price's situation with Mr. Mitchell.

"My purpose for meeting with Secretary Mitchell is to discuss options such as the case of Kurt Price," he said.

"Trooper Price is approximately one year away from his 20th anniversary. All attempts should be made to see that he reaches that mark."

Mr. Neuberger said both troopers were ordered recently to take fitness-for-duty exams and were told they failed because of hearing loss.

"If you aren't fit for duty, you can't be a cop," he said. "This is not a coincidence. They're not going to go quietly. We will come out swinging for these guys."

Lt. Col. MacLeish said federal regulations prohibit discussion of individual health matters.

He took issue, however, with allegations that the division is leaving corporals Price and Warren out in the cold or is considering dismissing them.

"When it comes to our employees, we care very deeply about them," he said. "Do we care? Sure we do."

Post comments on this issue at www.delawareonline.com.

injured state employees."

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Thomas S. Neuberger

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They gave detailed prepared statements to investigators from state Auditor R. Thomas Wagner's office on May 12 as part of probe of the firing range, which has been beset by structural and air contamination problems since it opened in

Both were critical of the building's design and the lack of standard operating procedures for state police personnel.

Cpl. Price, who lives near Smyrna, said he was assigned as a full-time firearms instructor in 1996, and assisted in constructing the new range. He told the auditors that because of improper soundproofing in the facility, he learned earlier this year that he has lost 60 percent of the hearing in his left ear and 35 percent in his right ear.

He also told the investigators that he was concerned about high lead levels in his blood and the possibility that he had contaminated his family.

"We have no safe haven," Cpl. Price said in his statement. "No amount of hygiene we perform protects our families. I have a 13-year-old son and an 11-year-old daughter. Jim, my son, was 7 and Katie, my daughter, was 5 when I began working in the range."

"Lead has a devastating effect on young children, and it may be fatal. I have no idea what may be happening to their young bodies and minds."

bl. Warren, who joined the

Mid-1990s — JAED Corp. of Smyrna is awarded the architectural/engineering contract for the new range. JAED has never designed a shooting range before and hires Virginia-based Clark Nexsen as a consultant.

August 1998 — Construction is completed.

November 1998 — Range staff identify problems with the air handling system. An environmental assessment determines airborne lead levels are above the OSHA standard in the firing area.

April 1999 — Another environmental assessment observes heavy accumulation of debris containing lead in the range's bullet recovery area. The facility is closed briefly for maintenance of the air handling system after tests show two troopers that work there have above-normal lead content in their blood. A \$35,000 study commissioned by the state Division of Facilities Management recommends improvements estimated at between \$900,000 and \$1.3 million.

June 2000 — An instructor at the range who has reached a "critical level" of lead contamination is reassigned to another job at the facility.

January 2001 — The state police switch to using "non-toxic, frangible" ammunition at the range.

September 2003 — \$30,000 is spent to modify the bullet trap system because of sludge build-up caused by the frangible bullets. Specifications from a manufacturer indicate the frangible ammunition contains high amounts of copper, along with zinc and tin.

January 2004 — Some members of a recruit class at the range complain of nose bleeds, sore throats and irritated eyes after using the range. Some range officers complain of a "penny taste" in their mouths after working a shift there.

March 2004 — The state police order the range closed until further notice because of environmental problems. Possible solutions being evaluated include an analysis from one expert indicating a new air handling system must be installed at a cost of at least \$2.2 million.

May 2004 — At the request of Gov. Minter, state auditors begin an investigation into the range situation, including a review of how the original architectural contract was awarded. The probe is ongoing.

Source: Delaware State Police

state police in 1983, told the investigators the firing range should have been closed long before March.

"Because of this neglect I have suffered permanent hearing loss," he said in his prepared statement.

"I have high levels of lead, copper and zinc in my body. I have probably contaminated my home, exposing my family to these toxic metals."

Other work available?

Mr. Neuberger said state police administrators have made no attempt to find other permanent positions within the department, where hearing loss would not be a factor, for the two corporals.

"There are plenty of indoor-type Delaware State Police jobs," he said. "Not everybody is out there in a patrol car. My guys are on the edge."

Mrs. Price said she's frustrated. "My husband was told he can't pull any cars over or work any (extra) pay jobs, like the Delaware State Fair," she said.

"The thing that really surprised me, though, was that nobody has called. He's gotten e-mails and words of support from a lot of fel-

low troopers, but not a word from higher-ups except paperwork.

"It's kind of heart breaking when people shut you out and don't talk to you. I always thought the state police took care of their own."

With two children approaching college age in a few years, Mrs. Price said money is a growing concern.

"The state police personnel office told him he could probably only expect 30 to 40 percent disability retirement," she said. "He only has one year to go to reach 50 percent but they didn't say that was an option."

Lt. Col. MacLeish said the agency has a standard procedure when fitness exams reveal an impairment that could negatively impact public safety or a trooper's individual safety.

"These officers go on light-duty status, whether it's an on-duty or off-duty injury," he said.

"Our policy allows for up to a year of light duty status, with a second year if approved by the colonel."

He said second years are permitted, but depend on the individual trooper's case and chances for full recovery.

benefits and weekends off for the duration of their assignments.

Union pledges support

Mrs. Price said her husband contacted Mr. Neuberger as a last resort.

"He felt like he wasn't able to sit down and work things out with the division," she said. "I didn't like the thought of an attorney but we really couldn't think of where else to go."

Sgt. Vincent P. Fiscella Jr. is president of the Delaware State Troopers Association, representing virtually all of the 600-plus troopers on the force.

"We are going to support these troopers who were acting in their official capacity as instructors at the firing range," Sgt. Fiscella said.

"The union's position is that they are entitled to a full disability pension. I plan to meet with (Safety and Homeland Security) Secretary David Mitchell soon to discuss the position these two troopers are in. I will solicit his support and that of the state pension office to obtain the benefits these two troopers deserve."

Sgt. Fiscella said he would discuss Cpl. Price's situation with Mr. Mitchell.

"My purpose for meeting with Secretary Mitchell is to discuss options such as the case of Kurt Price," he said.

"Trooper Price is approximately one year away from his 20th anniversary. All attempts should be made to see that he reaches that mark."

Mr. Neuberger said both troopers were ordered recently to take fitness-for-duty exams and were told they failed because of hearing loss.

"If you aren't fit for duty, you can't be a cop," he said. "This is not a coincidence. They're not going to go quietly. We will come out swinging for these guys."

Lt. Col. MacLeish said federal regulations prohibit discussion of individual health matters.

He took issue, however, with allegations that the division is leaving corporals Price and Warren out in the cold or is considering dismissing them.

"When it comes to our employees, we care very deeply about them," he said. "Do we care? Sure we do."

Post comments on this issue at news-blog.info/0407. Senior writer Tom Elkhred can be reached at 741-8212 or telkhred@newszap.com.